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Have authorized:

The government of His Britannic Majesty, Mr. Francis William Stronge, minister resident; and

The government of the republic of Colombia, Señor Doctor Francisco José Urrutia, minister for foreign affairs,
to conclude the following arrangement:

ARTICLE 1.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at the Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence or the honor of the two contracting states, and do not concern the interests of third parties.

ARTICLE 2.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

ARTICLE 3.

The present agreement is concluded for a period of five years, dating from the day of signature.

Done in duplicate at Bogotá, the thirtieth day of December, one thousand nine hundred and eight.

(L. S.)

FRANCIS STRONGE.

(L. S.)

FRANCISCO JOSÉ URRUTIA.

DECLARATION BETWEEN THE UNITED KINGDOM AND GERMANY REFERRING
SOUTHERN BOUNDARY OF BRITISH TERRITORY OF WALFISH BAY TO
ARBITRATION.

Signed at Berlin, January 30, 1909.

Whereas on the first day of July 1890, an agreement was signed respecting questions affecting the colonial interests of Great Britain and Germany,

And whereas the third article of this agreement dealt with the limits of the sphere in South West Africa in which the exercise of influence was reserved to Germany, and provided *inter alia*, that "the delimitation of the southern boundary of the British territory of Walfish Bay is reserved for arbitration, unless it shall be settled by the consent of the two powers within two years from the date of the conclusion of this agreement,"

And whereas the period of two years specified in the agreement elapsed without any settlement of the question of the southern boundary having been reached,

And whereas in 1904 the question was referred to two local commissioners, one appointed by the government of the colony of the Cape of Good Hope, and the other by the German Government,

And whereas the two commissioners presented a joint report from which it appeared that they were unable to agree in regard to the question in dispute,

Now therefore the government of His Britannic Majesty and the Imperial German Government have accordingly decided in pursuance of the provisions of the said third article of the agreement of the first of July 1890, to have recourse to the arbitration of his majesty the King of Spain in the manner provided in the following articles:

ARTICLE 1.

His Majesty the King of Spain shall be asked to select from among his subjects a jurist of repute to decide as arbitrator in the matter of the delimitation of the southern boundary of the British territory of Walfish Bay.¹

ARTICLE 2.

Within a period of ten months from the date of signing of the present declaration each of the two parties shall present to his majesty the King of Spain for communication to the arbitrator, a memorandum on the question at issue between them.

ARTICLE 3.

After the period fixed in article 2 each of the parties shall have a further period of eight months within which to furnish the arbitrator, if it is considered necessary, with a reply to the memorandum presented by the other party.

¹ On March 13, 1909, the King of Spain announced the appointment of Don Joaquin Fernandez Prida, professor of history and international law at the Central University, as arbitrator in the above case.

ARTICLE 4.

The memorandum and the reply and any documents annexed to them, shall be printed and shall be delivered in duplicate to his majesty the King of Spain and simultaneously to the other party. The memorandum and the reply of each party shall be in the language of that party and it shall not be necessary for them to be accompanied by a translation.

ARTICLE 5.

The arbitrator shall have the right to ask for such explanations from the parties as he may deem necessary and shall decide any question of procedure not foreseen by the declaration, and any incidental points which may arise.

ARTICLE 6.

The arbitrator may employ any necessary help and in particular, if he thinks fit, either with or without the previous request of one of the parties he may appoint an expert officer to proceed to the spot and make any survey or examination or receive any oral evidence which he may consider necessary to enable him to arrive at a decision.

ARTICLE 7.

On the application of either party the arbitrator may, if he thinks fit, grant an extension of time for the delivery of the memorandum or the reply.

ARTICLE 8.

Each of the parties shall bear their own expenses of the arbitration and the common expenses of the arbitration such as the honorarium to be paid to the arbitrator, and, if necessary, his travelling or any other expenses, shall be shared equally between the two parties to the arbitration.

ARTICLE 9.

The decision of the arbitrator when communicated to the parties by his majesty the King of Spain, shall be accepted as final.

Berlin, January 30, 1909.

[L. S.]

W. E. GOSCHEN.

[L. S.]

v. SCHOEN.